

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26530 of 2022

Arising Out of PS. Case No.-528 Year-2017 Thana- GAYA COMPLAINT CASE District-
Gaya

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RAJESH KUMAR PASWAN @ RAJESH KUMAR Son of Rajendra Paswan
Resident of village - Ghoraghat, P.S.- Dobhi, District - Gaya, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akshansh Ankit, Adv.

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-11-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in a case

registered for the offence under Sections 323 and 379 of the

Indian Penal Code.

The case relates to recovery of one country made

pistol along two live cartridges and one mobile phone.

Learned counsel appearing for the petitioner

submits that the petitioner is innocent and has falsely been

implicated in this case due to village politics. He further

submits that earlier the complainant had filed a complaint

bearing Complaint Case No. 100 of 2017 which is still

pending for inquiry before the court below and on account



of that the petitioner has been made accused in this case. No such occurrence as alleged in the complaint petition has ever taken place. He further submits that though there is allegation of assault by dagger against the petitioner but no injury is produced on record, therefore, the allegation does not get support from any document. He further submits that the entire case is out and out a false story. Hence, the petitioner may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner in the event of arrest and surrender before the court below within a period of four weeks be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Complaint Case No. 528 of 2017, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall



be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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